

REMARKS

Claims 1-9 are pending in the application. Claim 10 has been cancelled by previous amendment. Claim 1 has been amended to overcome a rejection for indefiniteness, as discussed further below. Claim 1 has been further amended to remove unintended punctuation. No new matter has been added by the amendment.

Claim Rejections – 35 U.S.C. § 112 – Claims 1-9

Claims 1-9 have been rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. In particular, the Examiner has stated that it is not clear how the three regions of the bracket are connected to one another. In view of the Examiner's comments, Applicant has amended claim one to recite that the second region is connected to a distal end of the first region, and that the third region is connected to a distal end of the second region. Support for this amendment is found at least in original drawings, for example, Fig. 2. Applicant respectfully submits that claims 1-9 as amended are in full compliance with the requirements of 35 U.S.C. § 112, second paragraph, and requests that rejection of claims 1-9 under 35 U.S.C. § 112, second paragraph be withdrawn.

Claim Rejection – 35 U.S.C. § 102 – Claims 1-9

The Examiner has rejected claims 1-9 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 3,007,662 (Featheringham). The Examiner has asserted that a bracket 32 comprises a first flat region and a third region (wavy end 40) capable of receiving and supporting a rung of a ladder. The Examiner further asserts a second region of the bracket 32 intermediate the first and third regions is capable of spanning over a gutter. The rejections of claims 1-9 are respectfully traversed.

Referring to Figs. 1-6, Featheringham discloses a locking bracket for the support of rain gutters. In particular, Featheringham discloses a bracket formed as an assembly 18 comprising a shelf bracket 30, including a strip 32; a U-shaped member 42; a first bracket part 52; and a second bracket part 54. The U-shaped member 42 is attached to the strip 32. A cylindrical hinge barrel 56 at a first end of the first bracket part 52 is hingedly connectable to an aperture 60 formed in an end of a lower side 44 of the U-shaped member 42. An angular inner end 66 at a

first end of the second bracket part 54 is hingedly connectable to an opening 68 in an upper side 48 of the U-shaped member 42.

The locking bracket assembly 18 attaches to a trim board 14 positioned beneath a roof 12 of a dwelling 10. In particular, the locking bracket assembly 18 is releasably connected to the trim board by interaction of an upper aperture 34 and a lower aperture 36 provided in the strip 32 with pins 24, 22, respectively, installed in the trim board 14. The locking bracket assembly 18 is disclosed to be positioned immediately beneath an eave of the roof 12 (see Figs. 1, 2, and 5), in a conventional manner well-known to those of ordinary skill in the pertinent art. The upper aperture 34 is disclosed to be in a slanted portion 38 of a wavy end 40 of strip 32.

Featheringham discloses that:

...
there is sufficient inherent resilience in the wavy end 40 of strip 32 so that the slanted portion 38 may be manually deflected. The edges of opening 34 bind against the surface of pin 24, while pin 22 fits reasonably snugly in opening or aperture 36. When the openings of strip 32 are engaged with pins 22 and 24, shelf bracket 30 is rigidly held securely fastened to trim board 14. (Column 2, lines 24-31.)

Thus, the shelf bracket 30 is held in place by the spring-like engagement of the apertures 34, 36 with pins 22, 24. The shelf bracket 30 may be released from engagement with the pins 22, 24 by manually deflecting the wavy end 40 of the strip 32 to move the upper aperture 34 out of engagement with the upper pin 24.

Featheringham thus discloses a support bracket assembly 18 for a gutter 16 which allows both the gutter and the support assembly itself to be readily removed and reattached to a dwelling 10. With the bracket assembly 18 fully assembled, the locking bracket supports a gutter 16. The first and second bracket parts 52, 54 may be disconnected from the support bracket 30, and the support bracket 30 released from the pins 22, 24, allowing both the gutter 16 and the bracket assembly 18 to be disconnected and removed from the dwelling 10, allowing maintenance (such as painting) to be performed on the trim board 14.

Claim 1 is directed to a ladder support bracket for receiving a rung of a ladder, and as amended recites, *inter alia*:

...
a first flat region, at least one fastener secured to said first flat region and being adapted to be secured to a rigid portion of the building, a second region connected to a distal end of the first region **and adapted to span over the gutter**, and a third region connected to a distal end of the second region and **in the form of a cradle adapted to receive and support the rung of the ladder**.
(emphasis added)

Featheringham fails to disclose at least the recited features of claim 1 of (1) a ladder support bracket having a second region which “spans over the gutter” and (2) a ladder support bracket having “a cradle adapted to receive and support a rung of a ladder”. Relative to (1), the middle portion of strip 32 identified by the Examiner as disclosing the second region recited in claim 1 does not span over a gutter. From at least the original drawings, it is clear that Applicant has used the term “over” in its ordinary and common usage to mean “to indicate motion or situation in a position higher than or above another”. See *Merriam-Webster’s Collegiate® Dictionary*, Eleventh Edition, 2003. Read in the context of the specification, the person of ordinary skill in the art would immediately recognize that claim 1 recites a bracket including a portion which in its operative, installed condition is situated vertically above or “over” a gutter. In its operative, installed condition, the strip 32 of Featheringham is not positioned “over” or vertically above gutter 16, but is rather positioned laterally adjacent a side of the gutter 16.

Furthermore, Featheringham fails to disclose a ladder support bracket having “a cradle adapted to receive and support a rung of a ladder”. Featheringham makes utterly no reference of such functionality of the wavy end 40. The word “ladder” is not contained in Featheringham. Moreover, the artisan having Featheringham before him or her would immediately recognize that the wavy end 40 is completely unsuitable for the functionality proposed by the Examiner. Given the conventional eave construction disclosed in Figs. 1, 2, and 5, only a ladder having a highly unconventional, tortured, and non-functional configuration would be capable of extending through the circuitous path required to allow a rung of the ladder to be supported by the wavy end 40, and further allow the ladder to extend between the terminal edge of the eave while also avoiding the second bracket part 54, and further extend over the exterior edge of the gutter 16.

There is very simply no disclosure of "a cradle adapted to receive and support a rung of a ladder" contained in Featheringham.

As Featheringham fails to disclose each and every feature recited in claim 1, Applicant respectfully submits that claim 1, and claims 2-9 depending therefrom, are not anticipated by Featheringham. Applicant respectfully requests that rejection of these claims under 35 U.S.C. § 102(b) be withdrawn.

CONCLUSION

In view of the foregoing amendment and remarks, Applicant respectfully submit that the present application, including claims 1-9, is in condition for allowance, and such action is respectfully requested.

Request for Interview Prior to Formal Action on Amendment

Applicant respectfully requests a telephonic interview prior to formal action on this response. An "Applicant Initiated Interview Request Form" accompanies this Amendment. Please contact Applicants' attorney representative, Kerry Goodwin, at 215-965-1267 or kgoodwin@akingump.com, to schedule the interview.

Respectfully submitted,

ARVO POLDMAA

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By:


MARTIN G. BELISARIO

Registration No. 32,886

AKIN GUMP STRAUSS HAUER & FELD LLP

One Commerce Square

2005 Market Street, Suite 2200

Philadelphia, PA 19103-7013

Telephone: 215-965-1200

Direct Dial: 215-965-1303

Facsimile: 215-965-1210

E-Mail: mbelisario@akingump.com

Reg No
48955 for

MGB/KBG